



10-30-02

AF 3724

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Henry H. Jenkins

Examiner: O. Flores Sanchez
Art Unit: 3724

Serial No: 09/580,412

Filed: May 30, 2000

For: STEEL RULE DIE AND STEEL RULE

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October 29, 2002

TECHNOLOGY CENTER R3700

Assistant Commissioner for Patents
Washington, D.C. 20231

Ex. Mail EF196782777 US.

APPLICANT'S REPLY BRIEF

Dear Sir:

This reply is in response to the Examiner's Answer filed in the above referred to appeal. The Examiner has dropped his rejection of Claims 1-6 and has persisted in his rejection of Claims 7-25 for the reasons stated in the answer.

The applicant has pointed out in his specification and his appeal brief that his invention is directed to structure where the unskilled can readily assemble a steel rule die without the necessity of having a skilled die maker involved in the process. This can be accomplished by parts taken off the shelf and assembled by unskilled personnel. The patent specification points out that the invention is directed to steel rule dies that cut paper products with a 45 degree corner as distinguished from a square or rounded corner. Applicant accomplishes this by steel rule dies having 45 degree bends at each end with

the bends at opposed ends extending in opposite directions. The steel rules are arranged in end to end fashion which forms a cutting edge which will cut a 45 degree corner.

The Examiner relies solely on the Johnson reference to support his rejection of Claims 7-25, The Examiner points for example to Figures 9 and 10 of Johnson as showing the steel rule die of applicant's claimed invention. It will be noted from the outset that nothing in the Johnson reference discloses or teaches anything that will accomplished the claimed invention. In the first instance the steel rule disclosed by Johnson is the difficult to make construction that takes a skilled die maker because it cuts corners that are round or rounded and in the present invention are replaced by the 45 degree corners. Secondly the steel rule used by the Examiner in Figure 9 of Johnson has both ends bent in the same direction and as pointed out above, not at a 45 degree angle but rather in a rounded configuration. The Examiner does not let this bother him in the slightest but then states that he can consider the two steel rules in Johnson to be one for the purposes of his rejection because of the disclosure in Johnson in column 8. The problem with the rejection using the single rule theory of the Examiner's is that it is totally unknown as to how one skilled in the art is to arrange or assemble these steel rules so as to anticipate or render the claimed invention obvious. It is submitted by applicant that one cannot.

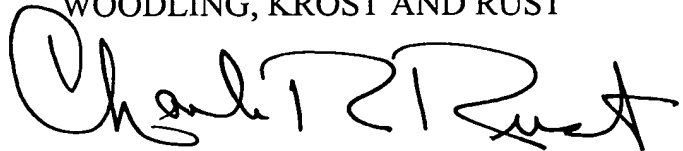
The Examiner in his rejection of Claims 18, 19, 24 and 25 does not even pretend that Johnson or any of the other art meets the limitations of the claims but rejects the claims with the weak statement that "the orientation of the dies has no significance on its

operation”.

For the above stated reasons as well as those set forth in applicant's main brief the Examiner's final rejection of Claims 7-25 should be reversed.

Respectfully submitted,

WOODLING, KROST AND RUST

A handwritten signature in black ink, appearing to read "Charles R. Rust". The signature is stylized with large, flowing letters and a prominent initial "C".

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Filed in triplicate